

Remarks

The specification has been amended to bring it into compliance with 37 CFR 1.821 (b). These amendments are merely as to form and do not add any new matter to the present application. A redlined version of the amended paragraph of the specification is attached as an Appendix.

Also, new claims 20-39 have been added. New claims, 20-35 are actually claims 3-4 and 6-19 of the parent application, which were inadvertently deleted in the First Preliminary Amendment filed, and claims 36-39 are claims 22-24 and 33 of the Applicant's November 16, 1999 Amendment in the parent case. Although the claims have been renumbered and in some instances, i.e., claims 36 & 39, the text of the claims have been modified slightly in order to change dependencies, the scope of these claims have not been narrowed from the subject matter claimed in the parent application. Applicant respectfully submits that no new matter has been introduced by this Second Preliminary Amendment.

Also note, attached hereto is a Request to Transfer the Sequence Listing of the parent application to the present Divisional Application. This request also includes a statement that the sequence information on the diskette is identical to the paper copy of the Sequence Listing. Thus, Applicants submit, that the present application has been brought into compliance with the requirements for the patent applications containing nucleotide sequences and/or amino acid sequence disclosure.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to change any additional fees during the entire pendency of this application including

fees under 37 C.F.R. § 1.16 and 1.17, which may be required, to our Deposit Account No. 50-0310.

Respectfully submitted,

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APPENDIX

Page 2, paragraph starting at line 10:

Fig. 1 illustrates the nucleotide sequence for c-erg CDNA (SEQ. ID No. 3) and the declared amino acid sequence for c-erg protein (SEQ. ID No. 4) where the nucleotide sequence lacking the underlined portion of the sequence in the figure corresponds to the C-11 gene nucleotide sequence according to this invention.